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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/565,802	04/13/2006	Benjamin Mettavant	13415202011	9642
23838 7590 01/04/2007 KENYON & KENYON LLP 1500 K STREET N.W. SUITE 700 WASHINGTON, DC 20005			EXAMINER YIP, WINNIE S	
			ART UNIT	PAPER NUMBER
			3636	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		01/04/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/565,802

Applicant(s)

METTAVANT, BENJAMIN

Examiner

Winnie Yip

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 January 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 1/25/2006.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

This is a first office action.

Drawings

1. The drawings are objected to under 37 CFR 1.84(h)(1) because of followings:
 - a. The exploded view, i.e. Fig. 5, with the separated parts (10 and 12) within the same figure, should be embraced by a bracket or a link line in order to show the relationship or order of assembly of various parts.
 - b. In addition, Figure 5 shows a position of a connection between the roof sheet (5) and the chamber (6) opposite to the position as shown in Figs. 1-4 (up side down). It may cause confusion of the claimed invention. Applicant is suggested to correct the Fig. 5 in a reversible position in order to show a same consistency with Figures 1-4.
 - c. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: "16" (see page 10, line16) .
2. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet,

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and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

3. The disclosure is objected to because of it does not contain any headings (see 37 CFR 1.77(b)).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 9-14, 16-24, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Norman (US Patent No. 3,960,161) in view of Habchi (US Patent No. 5,337,772).

Norman teaches a self-deployable tent comprising: a hoop structure (see Fig. 14) including at least one top loop (29 or 29e) connected to a base (26), the base (26) being a ground sheet, a roof sheet (20, 22; or 20e) secured to the top loop (29 or 29e) and the

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base sheet (26), the roof sheet having sheaths (30e) fixed on and integrated in the outside face of the roof sheet (20e) to allow the top loop passed therethrough, an inside chamber (20e') disposed beneath the roof sheet (20e), a flexible spacer (elements between the 31e and 31e') provided between the roof sheet and the chamber (20e'), wherein the inside chamber (20e') has a top portion secured to the top loop (29e) via the flexible spacer means (31') and a bottom portion attached to the ground sheet (26), wherein in the deployed position, the tension of the roof sheet and the inside chamber are held apart from each other by the flexible spacer means, the bottom portion of the roof sheet includes two opposite openings (32) for inlet and outlet of air flowing in a ventilation space between the roof sheet and the inside chamber. Although Norman does not define the hoop structure including a base loop as claimed, Habchi teaches a tent comprising a hoop structure including a top loop (12) having two ends being connected to a base loop (11), the base loop being attached to a ground sheet, a roof sheet (24) attached to the top loop and the base loop, and the top and base loops having connectors for providing adjuster means that can adjust the width of the tent. It would have been obvious to one ordinary skill in the art at the time the invention was made to modify the self-deployable tent of Norman having a base loop being connected to the top loop and covered by the ground sheet and with the loops having adjusting means as taught by Habchi for providing an adjustable tent with a base support in a self-deployed position.

Regard to claim 11, Habchi further teaches the roof sheet (24) including two opposite opening being formed in the inside region of the top loop closed to the base

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loop. Therefore, it would have been obvious to one ordinary skill in the art at the time the invention was made to modify the tent of Norman being provided the base with a base loop and having opposite openings formed in the opposite connections (12A) between two loops which are located at the inside region of the top loop and closed to the base loop as taught by Habchi for providing a gap between the connection between the loops to allow easier assembly and providing air flowing inside of the tent as an obvious choice of location.

6. Claims 15 and 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Norman '161 in view of Habchi '772, as applied to claims 9-12 above, and further in view of Cantwell (US Patent No. 5,421,355).

The claims are considered to meet by Norman modified by Habchi as explained and applied above rejections except that Norman and Habchi do not define the tent comprising the flexible spacer means being releasable fasteners as claimed for attaching the inside chamber to the inner surface of the roof sheet as claimed.

Cantwell teaches a tent comprising a top frame attached on a base, a roof sheet supported by the top frame and connected to the base, the roof sheet including a plurality of sheaths (59) fixed on an outer surface of the roof sheet, a inside chamber (31) disposed beneath the roof sheet and having releasable fasteners (63) for releasably connecting the respective sheaths such that the sheaths of the roof sheet and the releasable fasteners of the inside chamber providing flexible spacer means for releasably connecting the inside chamber to the roof sheet with being held apart form

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each other by spacer means. It would have been obvious to one ordinary skill in the art at the time the invention was made to modify the self-deployable tent of Norman modified by Habchi having the flexible spacer means formed with releasable fasteners to releasably connecting the sheaths formed on the roof sheet as taught by Cantwell form releasably connecting an inside chamber to the roof sheet for easily erecting the tent.

Citations

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hazinski et al. '096, Blen et al. '105, Price '168, and Ivanovich et al. '461 teach various self-deployable tents having two loops connected together as similar to the claimed invention. Howe '715, Gillis '527, Marks '757, Scherer '901, Japanese Patent No. 3-21779, and German Patent No. 3213781 teach various tents having a roof sheet connected to a top frame by releasable fasteners as similar to the claimed invention.

Inquiry Contacts

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Winnie Yip whose telephone number is 571-272-6870. The examiner can normally be reached on M-F (9:30-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Dunn can be reached on 571-272-6670. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Winnie Yip
Primary Examiner
Art Unit 3636

wsy
January 3, 2007